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TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

Judl DEPARTMENT

G.O. No.	585	Press.
B.P. No.		Mis.
Dated	3-4-1868	197.

Not to be folded or roughly handled

A. Mani

582

Proceedings of the Madras Government, Judicial Department,
3rd April 1868.

No. 68. Read the following letter from the Officiating Secretary to the Government of Punjab and its Dependencies, to the Under Secretary to the Government of India ; dated Lahore, 6th February 1868, No. 201.

In reply to your letter, No. 210, dated 31st ultimo, I am directed to forward copy of the correspondence therein referred to, on the subject of disturbance at a fair at Delhi, and proposed additions to Arms' Licenses.

From the Inspector General of Police, Punjab, to the Secretary to the Government of Punjab, Civil Department ; dated Lahore, 5th July 1866, No. 211.

I beg to submit, in original, correspondence, *vide margin*, and to solicit that His Honor the Lieutenant Governor may be pleased to give the order as proposed by the Chief Court, with the additions I now venture to suggest.

Proceedings, 21st April 1866, No. 60.

No. 1921, dated 16th June 1866, from Registrar, Chief Court.

2. This reference arose from a Bank Chupprasseo in Delhi appearing with his sword at a very large gathering during the Ram Leela festival.

The Chupprasseo had a license to carry arms, and apparently considered he might, therefore, carry arms anywhere. The Police believed it was their duty not to allow any dangerous weapons to be carried on such an occasion. The sword was demanded from the Chupprasseo by the Police, and, as he refused to give it to them, a row ensued, the sword partly came out ; one Policeman, Chunda Sing, got slightly cut, and then, many Police joining in, an indiscriminate onslaught on the people occurred. No doubt the subordinate Police behaved very badly in doing unjustifiable and indiscriminate violence.

3. The question arose—Has a man, who by the Arms' Act has a license to carry, say, a sword, a right to carry that sword in any place and at any time ?

Lieutenant Harcourt, who tried the case, said, regarding the right of the Police to demand the sword—" It appears that one of the Police was injured when he was doing what he *had no business to do* ;" and regarding the Chupprasseo—" The accused had no *business* to be going about with a sword." With such conflicting opinions, as the law seemed to be silent on the point, I referred the question to the Chief Court.

Vide paragraph 3 of my letter, No. 1003, of 19th April 1866, to Chief Court.

4. In paragraph 12 of my letter I thus stated what orders seemed to me to be really needed—

- 1.—That no person, under any law, shall be allowed to carry at fairs or large assemblies any offensive weapon.
- 2.—That a license to carry arms for the protection of property should limit the privilege strictly to the locality within which lies the said property. For instance, if a bank wishes to have one of its servants armed, in order to protect the bank premises, the condition of the license must be that the holder might carry a sword within the bank house and compound, *but nowhere else*.
- 3.—That licenses to carry arms should not be granted to parties larger in number than four, when the said parties are employed on the same duty. Otherwise an armed party of unlimited strength, and not under the control of the Government, may thereby be raised. For instance, to protect a bank treasure chest, four men are enough, if other proper precautions are taken. Suppose a bank asks for more than four men to be armed to protect its property and grounds, the request would be refused, unless special and sufficient reasons could be assigned. Again, a Magistrate should not, without detailed enquiry, allow any Railway Company, or private or public party, to arm a large number of men by the plan of getting a separate license for each.
- 4.—That licenses should not be granted to protect property in *transit through the country* ; where that is required, Police protection should be obtained ; otherwise armed bodies of men, uncontrolled by any Government authority, may be moving about the country.

*Proceedings of the Madras Government, Judicial Department,
3rd April 1868.*

5. I also proposed that all persons holding licenses should invariably carry those licenses about their persons, or be liable to arrest; but I think it will be sufficient if the license prescribes that the weapon is never to be carried unless the *chaprass* (badge of the servant) is worn at the same time, so that a man bearing arms may be identified at once; the badge must bear either a number, whereby the man can be distinguished, or his name. I am aware that many "Shikarries" get licenses and wear no badges; it is not necessary for public interests to particularize these men. What I wish to insure is that, under cover of the Arms Act, dangerous weapons shall not be carried at fairs or public gatherings, or in any place other than that wherein the duties of the holder of the license lie; and certainly that no license shall allow a man to go armed along our public roads.

6. Now I feel sure that each Magistrate who gives a license has only to enter in that license certain conditions to insure the prevention of the evil I bring to notice, and also to carry out fully the intention of the Arms Act without abusing it. I do not wish to restrict the convenience of the public or the full use of the Arms Act, but to insure that control over persons carrying arms under the Act which the interests of the Government and of the public alike demand.

7. It is for His Honor's consideration whether the granting of licenses might not, subject to the control of the Deputy Commissioner, be advantageously vested in the District Superintendent of Police, who has the time, and whose special duty it is to be constantly seeing that the public safety is never in any way endangered. If this is not approved of, I suggest that, at any rate, a copy of the license, so soon as it is given, be at once sent by each Deputy Commissioner for record in the Police Office. Thus the Police will be kept informed of all parties who have licenses; but I think the first suggestion is worthy of consideration, as more surely producing the results I aim at.

From the Officiating Secretary to the Government of Punjab, to all Commissioners; dated 21st December 1867, Circular No. 33-1847.

Requests that Magistrates in his Division may be instructed, when granting licenses to carry arms under the Arms Act, not to grant them without conditions, except to Native Chiefs and gentry, and persons entitled to honor and consideration.

All other licenses should be granted with the following conditions attached to them, viz. —

- 1.—That the arms shall only be carried when required for the specific purpose for which they are allowed, such as sport, guarding property, &c., (the purpose to be specified in the license).
- 2.—That the arms are not to be carried at fairs, processions, and other places or occasions of public resort, where large crowds are assembled.

No. 598.

Copy forwarded to the Government of Madras for information.

FORT WILLIAM,
HOME DEPARTMENT,
5th March 1868.

(By Order.)
(Signed) A. P. HOWELL,
Under Secy. to the Govt. of India.

No. 69.

ORDER THEREON, 3rd April 1868, No. 585.

Communicated to the Magistrates of the several districts, and to the Inspector General of Police.

R. S. ELLIS,
Chief Secretary.

To the Magistrate of
To the Inspector General of Police.

Ed. J. Tulloch.

From C. U. ARCHIBSON, Esquire, Officiating Secretary to the Government of Punjab and its Dependencies, to A. P. HOWELL, Esquire, Under Secretary to the Government of India,—No. 201, dated Lahore, the 6th February 1868.

IN reply to your letter No. 210, dated 31st ultimo, I am directed to forward copy of the correspondence therein referred to, on the subject of disturbance at a Fair at Delhi, and proposed additions to Arms Licenses.

From Major G. HUTCHINSON, Inspector General of Police, Punjab, to T. H. THORNTON, Esquire, Secretary to the Government of Punjab, Civil Department,—No. 211, dated Lahore, the 5th July 1866.

I beg to submit, in original, correspondence, *vide margin*, and to solicit that His Honor the Lieutenant-Governor may be pleased to give the order as proposed by the Chief Court, with the additions I now venture to suggest.

2. This reference arose from a Bank Chupprasse in Delhi appearing with his sword at a very large gathering during the Ram Leela festival.

The Chupprasse had a license to carry arms, and apparently considered he might, therefore, carry arms anywhere. The Police believed it was their duty not to allow any dangerous weapons to be carried on such an occasion. The sword was demanded from the Chupprasse by the Police, and, as he refused to give it to them, a row ensued, the sword partly came out; one Policeman, Chunda Sing, got slightly cut, and then, many Police joining in, an indiscriminate onslaught on the people occurred. No doubt the subordinate Police behaved very badly in doing unjustifiable and indiscriminate violence.

3. The question arose—Has a man, who by the Arms Act has a license to carry, say, a sword, a right to carry that sword in any place and at any time?

Lieutenant Harcourt, who tried the case, said regarding the right of the Police to demand the sword—"It appears that one of the Police was injured when he was doing this. The Chupprasse had no business to be going about with a sword. With such conflicting opinions, as the law seemed to be silent on the point, I referred the question to the Chief Court."

4. In paragraph 12 of my letter I thus stated what orders seemed to me to be really needed:—

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- 2.—That a license to carry arms for the protection of property should limit the privilege strictly to the locality within which lies the said property. For instance, if a bank wishes to have one of its servants armed, in order to protect the bank premises, the condition of the license must be that the holder might carry a sword within the bank house and compound, but nowhere else.
- 3.—That licenses to carry arms should not be granted to parties larger in number than four, when the said parties are employed on the same duty. Otherwise an armed party of unlimited strength, and not under the control of the Government, may thereby be raised. For instance, to protect a bank treasure chest, four men are enough, if other proper precautions are taken. Suppose a bank asks for more than four men to be armed to protect its property and grounds, the request would be refused, unless special and sufficient reasons could be assigned. Again, a Magistrate should not, without detailed enquiry, allow any Railway Company, or private or public party, to arm a large number of men by the plan of the country, where that is required, Police protection should be obtained; otherwise armed bodies of men uncontrolled by any Government authority may be moving about the country.

5. I also proposed that all persons holding licenses should invariably carry these licenses about their persons, or be liable to arrest; but I think it will be sufficient if the license prescribes that the weapon is never to be carried unless the *chaprass* (badge of the servant) is worn at the same time, so that a man bearing arms may be identified at once;—the badge must bear either a number, whereby the man can be distinguished, or his name. I am aware that many "Shikarries" get licenses and wear no badges; it is not necessary for public

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7. It is for His Honor's consideration whether the granting of licenses might not, subject to the control of the Deputy Commissioner, be advantageously vested in the District Superintendent of Police, who has the time, and whose special duty it is to be constantly seeing that the public safety is never in any way endangered. If this is not approved of, I suggest that, at any rate, a copy of the license, so soon as it is given, be at once sent by each Deputy Commissioner for record in the Police Office. Thus the Police will be kept informed of all parties who have licenses; but I think the first suggestion is worthy of consideration, as more surely producing the results I aim at.

From C. U. ARTHURSON, Esquire, Officiating Secretary to the Government of Punjab, to all Commissioners,—Circular, No. 23-1817, dated the 21st December 1867.

REQUESTS that Magistrates in his Division may be instructed, when granting licenses to carry arms under the Arms Act, not to grant them without conditions, except to Native Chiefs and gentry, and persons entitled to honor and consideration.

All other licenses should be granted with the following conditions attached to them, viz:—

1.—That the arms shall only be carried when required for the specific purpose for which they are allowed,—such as sport, guarding property, &c., (the purpose to be specified in the license.)

2.—That the arms are not to be carried at fairs, processions, and other places or occasions of public resort, where large crowds are assembled.

Government of Massachusetts

By Order,

Arthur Knirk

Under-Secy. to the Govt. of India.

3rd April 1868 N^o 585-
Communicated to the Government
of the Straits Settlements
Magistrate and to the Inspector General
of Prisons.

2. The registration of all deaths, disp
- Inspector General of Police

1857 March
Spence Street
No 671
An announcement to the public
relating to the Company's affairs
under the name of a partner
has been written public-
place

898-1509
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